

ESTTA Tracking number: **ESTTA587036**Filing date: **02/12/2014**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Nirvana, L.L.C.		
Entity	Limited Liability Company	Citizenship	Washington
Address	1900 Avenue of the Stars 25th Floor Los Angeles, CA 90067 UNITED STATES		

Attorney information	James D. Weinberger Fross Zelnick Lehrman & Ziss, P.C. 866 United Nations Plaza 6th Floor New York, NY 10017 UNITED STATES jweinberger@frosszelnick.com, eweiss@frosszelnick.com Phone:(212) 813-5900
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Applicant Information

Application No	86011882	Publication date	01/21/2014
Opposition Filing Date	02/12/2014	Opposition Period Ends	02/20/2014
Applicant	Proffitt, Daniel Patrick 1290 Rosewood DR Alpharetta, GA 30005 USX		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms

Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1836895	Application Date	07/26/1993
Registration Date	05/17/1994	Foreign Priority Date	NONE
Word Mark	NIRVANA		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1991/11/00 First Use In Commerce: 1991/11/00 clothing; namely, shirts, tee shirts, caps

U.S. Registration No.	1842789	Application Date	07/26/1993
Registration Date	07/05/1994	Foreign Priority Date	NONE
Word Mark	NIRVANA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1989/06/00 First Use In Commerce: 1989/06/00 series of sound recordings and prerecorded videotapes all featuring performances of a musical artist or group		

U.S. Registration No.	3937416	Application Date	07/22/2010
Registration Date	03/29/2011	Foreign Priority Date	NONE
Word Mark	NIRVANA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 1992/00/00 First Use In Commerce: 1992/00/00 Printed materials, namely, posters</p> <p>Class 041. First use: First Use: 2002/00/00 First Use In Commerce: 2002/00/00 Entertainment services, namely, providing a website with information on recordings of a musical group and historical information on a musical group and providing online profile pages with photos and information on recordings of a musical group; providing non-downloadable pre-recorded music and video clips via a website and online profile pages</p>		

Attachments	85090713#TMSN.jpeg(bytes) F1394960.pdf(82037 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address

record by First Class Mail on this date.

Signature	/s/ James D. Weinberger
Name	James D. Weinberger
Date	02/12/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 86/011,882
Published in the *Official Gazette* on January 21, 2014
Mark: LAX <> NIRVANA

NIRVANA, L.L.C.,

Opposer,

-against-

DANIEL PATRICK PROFFITT,

Applicant.

NOTICE OF OPPOSITION

Opposer, Nirvana, L.L.C., a Washington limited liability company with an address of 1900 Avenue of the Stars, 25th Floor, Los Angeles, California 90067, believes that it would be damaged by the issuance of a registration for the trademark LAX <> NIRVANA, as applied for in Application Serial No. 86/011,882, and therefore opposes the same. As grounds for the opposition, Opposer, by its attorneys Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

1. Opposer is the owner of all rights in the name and trademark NIRVANA, as used in connection with the world-famous rock band of that name and their recordings, as well as clothing and other associated merchandise.

2. Use of the name and trademark NIRVANA dates back to 1989, when Nirvana spearheaded the “grunge” rock music genre that was popular in the late 1980s and early 1990s. Nirvana went on to become one of the best-selling bands of all time, selling over 75 million records worldwide. The band was and continues to be critically acclaimed—*Rolling Stone* included Nirvana on its list of the “100 Greatest Artists of All Time,” and later this year, in its

first year of eligibility, Nirvana will be inducted into the Rock and Roll Hall of Fame. Due to the band's enduring reputation, Nirvana's musical recordings, as well as clothing and other merchandise bearing the NIRVANA mark, continue to enjoy massive sales.

3. As a result of this enormous use and promotion of the NIRVANA mark and the success and critical acclaim of the band, the NIRVANA mark has come to be recognized as identifying products and services of Opposer exclusively and has come to represent enormous goodwill of Opposer.

4. Opposer owns the following U.S. trademark registrations for the NIRVANA mark:

- U.S. Reg. No. 1,836,895 for “clothing; namely, shirts, tee shirts, caps” in International Class 25, registered on May 17, 1994, and first used in commerce in November 1991;
- U.S. Reg. No. 1,842,789 for “series of sound recordings and prerecorded videotapes all featuring performances of a musical artist or group” in International Class 9, registered on July 5, 1994, and first used in commerce in June 1989; and
- U.S. Reg. No. 3,937,416 for “printed materials, namely, posters” in International Class 16 and “entertainment services, namely, providing a website with information on recordings of a musical group and historical information on a musical group and providing online profile pages with photos and information on recordings of a musical group; providing non-downloadable pre-recorded music and video clips via a website and online profile pages” in International Class 41, registered on March 29, 2011, and first used in commerce in 1992 with respect to

the International Class 16 goods and first used in commerce in 2002 with respect to the International Class 41 services.

These registrations are valid, subsisting, and in full effect and serve as prima facie evidence of the validity of the mark and of Opposer's exclusive right to use the mark NIRVANA in connection with the goods and services identified therein, pursuant to Section 7(b) of the Lanham Act, 15 U.S.C. § 1057(b). Additionally, two of the above-referenced registrations (U.S. Reg. Nos. 1,836,895 and 1,842,789) have become incontestable under Section 15 of the Lanham Act, 15 U.S.C. § 1065. Attached hereto as Exhibit A are printouts from the U.S. Patent and Trademark Office (the "PTO") online Trademark Status and Document Retrieval database showing the current status and title of the foregoing registrations.

5. Upon information and belief, the owner of the application at issue is Daniel Patrick Proffitt ("Applicant"), an individual with an address of 1290 Rosewood Drive, Alpharetta, Georgia 30005.

6. On July 16, 2013, Applicant filed Application Serial No. 86/011,882 (the "Application") to register the mark LAX <> NIRVANA ("Applicant's Mark") for "athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms" in International Class 25 on an intent-to-use basis under Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(a).

7. Upon information and belief, Applicant has not used Applicant's Mark in commerce in the United States.

8. Opposer's NIRVANA mark has been used continuously and/or registered by Opposer since a date prior to any date on which Applicant can rely. As such, Opposer's rights in the NIRVANA mark are prior and superior to any rights Applicant may claim in Applicant's Mark.

9. Applicant's Mark incorporates Opposer's NIRVANA mark in its entirety and thus is highly similar to Opposer's NIRVANA mark in sight, sound, and commercial impression. The addition of the term LAX in Applicant's Mark does not differentiate Applicant's Mark from Opposer's NIRVANA mark as LAX is commonly understood to mean "lacrosse," and therefore is descriptive of the goods in the Application. The PTO's office action requiring a disclaimer of LAX and the Applicant's subsequent disclaimer of LAX in the Application confirm this.

10. The goods identified in the Application are identical or closely related to certain of the goods offered by Opposer under the NIRVANA mark and the goods described in Opposer's U.S. Reg. No. 1,836,895.

11. As a result of the similarity of the marks and the goods, Applicant's use and registration of Applicant's Mark in connection with the goods identified in the Application are likely to cause confusion, cause mistake, or to deceive consumers to falsely believe that Applicant's goods emanate from or otherwise are authorized, sponsored by, or affiliated with Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

12. In addition, Opposer's NIRVANA mark is a famous mark, and became so prior to July 16, 2013, the earliest date upon which Applicant can rely. Accordingly, Applicant's use and registration of Applicant's Mark will damage Opposer by trading on the enormous goodwill associated with the NIRVANA mark and diluting its distinctiveness. Thus, Applicant's use and registration of Applicant's Mark in connection with the goods identified in the Application are likely to cause dilution by blurring of Opposer's famous NIRVANA mark, in violation of Sections 13(a) and 43(c) of the Lanham Act, 15 U.S.C. §§ 1063(a), 1125(c).

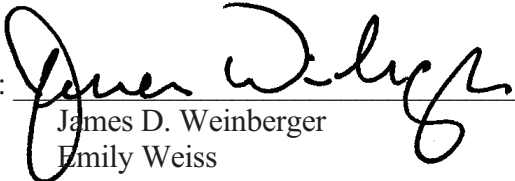
13. By reason of the foregoing, Opposer will be harmed by registration of Applicant's Mark.

WHEREFORE, it is respectfully requested that this opposition be sustained and that the registration sought by Application Serial No. 86/011,882 be denied.

Dated: February 12, 2014
New York, New York

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By:


James D. Weinberger
Emily Weiss
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

Attorneys for Opposer

EXHIBIT A

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Mark: NIRVANA

US Serial Number: 74417065	Application Filing Date: Jul. 26, 1993
US Registration Number: 1836895	Registration Date: May 17, 1994
Register: Principal	
Mark Type: Trademark	
Status: The registration has been renewed.	
Status Date: May 03, 2004	
Publication Date: Feb. 22, 1994	

Mark Information

Mark Literal Elements: NIRVANA
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: clothing; namely, shirts, tee shirts, caps	
International Class(es): 025 - Primary Class	U.S Class(es): 039
Class Status: ACTIVE	
Basis: 1(a)	
First Use: Nov. 1991	Use in Commerce: Nov. 1991

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Nirvana, L.L.C.	
Owner Address: 1900 Avenue of the Stars, 25th Floor c/o Jill Berliner, Esq. Los Angeles, CALIFORNIA 90067 UNITED STATES	
Legal Entity Type: LIMITED LIABILITY JOINT STOCK COMPANY	State or Country Where Organized: WASHINGTON

Attorney/Correspondence Information

Attorney of Record

Attorney Name: LAWRENCE E. APOLZON

Correspondent	
Correspondent Name/Address:	LAWRENCE E APOLZON FROSS ZELNICK LEHRMAN & ZISSU PC 866 UNITED NATIONS PLZ NEW YORK, NEW YORK 10017 UNITED STATES
Phone:	(212) 813-5900

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 23, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Oct. 23, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Oct. 04, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Oct. 04, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Mar. 02, 2011	NOTICE OF SUIT	
Jul. 26, 2007	CASE FILE IN TICRS	
May 03, 2004	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
May 03, 2004	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Mar. 19, 2004	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jan. 28, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 16, 1999	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Aug. 24, 1999	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
May 17, 1994	REGISTERED-PRINCIPAL REGISTER	
Feb. 22, 1994	PUBLISHED FOR OPPOSITION	
Jan. 21, 1994	NOTICE OF PUBLICATION	
Nov. 24, 1993	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 15, 1993	ASSIGNED TO EXAMINER	70731
Nov. 15, 1993	ASSIGNED TO EXAMINER	67568

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: May 17, 2005

TM Staff and Location Information

TM Staff Information - None	
File Location	
Current Location: SCANNING ON DEMAND	Date in Location: Jul. 26, 2007

Assignment Abstract Of Title Information

Summary	
Total Assignments: 1	Registrant: Nirvana
Assignment 1 of 1	
Conveyance: ASSIGNS THE ENTIRE INTEREST	
Reel/Frame: 1684/0383	Pages: 9
Date Recorded: Jan. 26, 1998	
Supporting Documents: No Supporting Documents Available	
Assignor	
Name: NIRVANA	Execution Date: Jan. 09, 1998
Legal Entity Type: GENERAL PARTNERSHIP - WASHINGTON	State or Country Where Organized: No Place Where Organized Found

Assignee	
Name: NIRVANA, L.L.C.	
Legal Entity Type: LIMITED LIABILITY COMPANY	State or Country Where Organized: No Place Where Organized Found
Address: C/O ALLEN B. DRAHER 999 THIRD AVE., #3300 SEATTLE, WASHINGTON 98104	

Correspondent	
Correspondent Name: MCDONALD & QUACKENBUSH	
Correspondent Address: ALLEN B. DRAHER 999 THIRD AVENUE, SUITE 3300 SEATTLE, WASHINGTON 98104	

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 2
Type of Proceeding: Opposition

Proceeding Number: 91165226	Filing Date: May 10, 2005
Status: Terminated	Status Date: Jul 26, 2005
Interlocutory Attorney: ANGELA LYKOS	

Defendant	
Name: Bauble Nirvana, LLC	
Correspondent Address: RICHARD L. MORRIS, JR. 1-800-4-TRADEMARK PO BOX 398538 MIAMI BEACH FL , 33239-8538 UNITED STATES	

Associated marks			
Mark	Application Status	Serial Number	Registration Number
BAUBLE NIRVANA	Abandoned - No Statement Of Use Filed	76573653	

Plaintiff(s)	
Name: Nirvana, L.L.C.	
Correspondent Address: LISA PEARSON FROSS ZELNICK LEHRMAN & ZISSU, P.C. 866 UNITED NATIONS PLAZA NEW YORK NY , 10017 UNITED STATES	

Associated marks			
Mark	Application Status	Serial Number	Registration Number
NIRVANA	Renewed	74417065	1836895

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 10, 2005	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 17, 2005	Jun 26, 2005
3	PENDING, INSTITUTED	May 17, 2005	
4	SECOND AMENDED NOTICE OF OPPOSITION	May 18, 2005	
5	AMENDED NOTICE OF OPPOSITION	May 17, 2005	
6	STIPULATION FOR AN EXTENSION OF TIME	Jun 09, 2005	
7	DEF'S IS ALLOWED THIRTY DAYS TO FILE ANSWER; DIS. AND TRIAL DATES ARE RESET	Jun 24, 2005	
8	OTHER FILING	Jul 26, 2005	
9	BD'S DECISION: DISMISSED W/ PREJUDICE	Jul 26, 2005	
10	TERMINATED	Jul 26, 2005	

Type of Proceeding: Extension of Time	
Proceeding Number: 76573653	Filing Date: Dec 06, 2004
Status: Terminated	Status Date: Jun 08, 2005

Interlocutory Attorney:**Defendant****Name:** Bauble Nirvana, LLC**Correspondent Address:** RICHARD L. MORRIS, JR.
1-800-4-TRADEMARK
PO BOX 398538
MIAMI BEACH FL , 33239-8538
UNITED STATES**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BAUBLE NIRVANA	Abandoned - No Statement Of Use Filed	76573653	

Potential Opposer(s)**Name:** Nirvana, L.L.C.**Correspondent Address:** LISA PEARSON
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 UNITED NATIONS PLAZA
NEW YORK NY , 10017
UNITED STATES**Associated marks**

Mark	Application Status	Serial Number	Registration Number
NIRVANA	Renewed	74417065	1836895

Name: NIRVANA, L.L.C**Correspondent Address:** LISA PEARSON
FROSS ZELNICK LEHRMAN & ZISSU,
866 UNITED NATIONS PLAZA
NEW YORK NY , 10017
UNITED STATES**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Dec 06, 2004	
2	EXTENSION OF TIME GRANTED	Dec 15, 2004	
3	INCOMING - EXT TIME TO OPPOSE FILED	Mar 03, 2005	
4	EXTENSION OF TIME GRANTED	Mar 17, 2005	

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Mark: NIRVANA

US Serial Number: 74417064	Application Filing Date: Jul. 26, 1993
US Registration Number: 1842789	Registration Date: Jul. 05, 1994
Register: Principal	
Mark Type: Trademark	
Status: The registration has been renewed.	
Status Date: May 16, 2004	
Publication Date: Apr. 12, 1994	

Mark Information

Mark Literal Elements: NIRVANA
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US Registrations: 1631419

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: series of sound recordings and prerecorded videotapes all featuring performances of a musical artist or group

International Class(es): 009 - Primary Class

U.S Class(es): 021, 036

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 1989

Use in Commerce: Jun. 1989

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Nirvana, L.L.C.	
Owner Address: 1900 Avenue of the Stars, 25th Floor c/o Jill Berliner, Esq. Los Angeles, CALIFORNIA 90067 UNITED STATES	
Legal Entity Type: LIMITED LIABILITY JOINT STOCK COMPANY	State or Country Where Organized: WASHINGTON

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lawrence E. Apolzon

Docket Number: NIRV 0305795

Correspondent

Correspondent Name/Address: Lawrence E. Apolzon
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, NEW YORK 10017
UNITED STATES

Phone: 212-813-5900

Fax: 212-813-5901

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 23, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Oct. 23, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Oct. 04, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Oct. 04, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Oct. 19, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Oct. 19, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 20, 2007	CASE FILE IN TICRS	
May 16, 2004	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
May 16, 2004	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Mar. 11, 2004	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jan. 28, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 16, 1999	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Aug. 24, 1999	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jul. 05, 1994	REGISTERED-PRINCIPAL REGISTER	
Apr. 12, 1994	PUBLISHED FOR OPPOSITION	
Mar. 11, 1994	NOTICE OF PUBLICATION	
Feb. 02, 1994	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 24, 1994	NON-FINAL ACTION MAILED	
Dec. 17, 1993	ASSIGNED TO EXAMINER	70731
Dec. 07, 1993	ASSIGNED TO EXAMINER	68365
Dec. 02, 1993	ASSIGNED TO EXAMINER	71995

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 05, 2004

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Jul. 20, 2007

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Nirvana

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [1684/0383](#)

Pages: 9

Date Recorded: Jan. 26, 1998

Supporting Documents: No Supporting Documents Available

Assignor

Name: [NIRVANA](#)

Execution Date: Jan. 09, 1998

Legal Entity Type: GENERAL PARTNERSHIP - WASHINGTON

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [NIRVANA, L.L.C.](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: No Place Where Organized Found

Address: C/O ALLEN B. DRAHER
999 THIRD AVE., #3300
SEATTLE, WASHINGTON 98104

Correspondent

Correspondent Name: MCDONALD & QUACKENBUSH

Correspondent Address: ALLEN B. DRAHER
999 THIRD AVENUE, SUITE 3300
SEATTLE, WASHINGTON 98104

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91164031](#)

Filing Date: Jan 14, 2005

Status: Terminated

Status Date: Feb 01, 2005

Interlocutory Attorney: CINDY B GREENBAUM

Defendant

Name: Thaddeus D. Houston

Correspondent Address: Thaddeus D. Houston
5029 Gold Hill Road
Owings Mills, MD , 21117
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
BABY NIRVANA	Abandoned - After Inter-Partes Decision	78362475	

Plaintiff(s)

Name: Nirvana, L.L.C.

Correspondent Address: Lisa Pearson
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York NY , 10017
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
NIRVANA	Renewed	74417064	1842789

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 14, 2005	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 01, 2005	Mar 13, 2005
3	PENDING, INSTITUTED	Feb 01, 2005	
4	NOTICE OF DEFAULT	Apr 14, 2005	
5	BOARD'S DECISION: SUSTAINED	Jun 14, 2005	
6	TERMINATED	Jun 23, 2005	

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Mark: NIRVANA

NIRVANA

US Serial Number: 85090713

Application Filing Date: Jul. 22, 2010

US Registration Number: 3937416

Registration Date: Mar. 29, 2011

Register: Principal

Mark Type: Trademark, Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Mar. 29, 2011

Publication Date: Jan. 11, 2011

Mark Information

Mark Literal Elements: NIRVANA

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US 1842789

Registrations:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Printed materials, namely, posters

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: 1992

Use in Commerce: 1992

For: Entertainment services, namely, providing a website with information on recordings of a musical group and historical information on a musical group and providing online profile pages with photos and information on recordings of a musical group; providing non-downloadable pre-recorded music and video clips via a website and online profile pages

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: 2002

Use in Commerce: 2002

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Nirvana, L.L.C.

Owner Address: 1900 Avenue of the Stars, 25th Floor
c/o Jill Berliner, Esq.
Los Angeles, CALIFORNIA 90067

UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: WASHINGTON

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lawrence E. Apolzon

Docket Number: NIRV 0306411

Correspondent

Correspondent Name/Address: LAWRENCE E. APOLZON
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 UNITED NATIONS PLZ
NEW YORK, NEW YORK 10017-1822
UNITED STATES

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
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Oct. 04, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Oct. 04, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Mar. 29, 2011	REGISTERED-PRINCIPAL REGISTER	
Jan. 11, 2011	PUBLISHED FOR OPPOSITION	
Dec. 22, 2010	NOTICE OF PUBLICATION	
Dec. 09, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	67287
Dec. 09, 2010	ASSIGNED TO LIE	67287
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Nov. 15, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 15, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 15, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 08, 2010	NON-FINAL ACTION MAILED	
Nov. 05, 2010	NON-FINAL ACTION WRITTEN	83191
Nov. 04, 2010	ASSIGNED TO EXAMINER	83191
Jul. 27, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 26, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

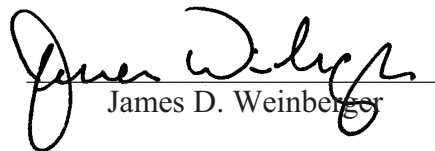
Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 29, 2011

CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2014, a copy of the foregoing **NOTICE OF OPPOSITION** was sent by first-class mail, postage pre-paid, to Applicant's Attorney of Record:

Christopher J. Day, Esq.
Law Office of Christopher Day
9977 North 90th Street, Suite 155
Scottsdale, Arizona 85258


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